

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:11cr115
)	
JORGE AVILA TORREZ)	Judge O'Grady

NOTICE OF INTENT TO SEEK A SENTENCE OF DEATH

The United States of America, by and through its attorneys, hereby notifies the Court and the defendant, JORGE AVILA TORREZ, and the defendant's counsel, pursuant to Title 18, United States Code, Section 3593(a), that in the event of the defendant's conviction on the sole count of the Indictment, wherein the defendant is charged with the first degree murder of Amanda Jean Snell, in violation of Title 18, United States Code, Sections 7 and 1111, the United States believes the circumstances of the offense are such that a sentence of death is justified, and the United States will seek a sentence of death.

I. STATUTORY FACTORS UNDER 18 U.S.C. § 3591(a)

The United States will seek to prove the following statutory factors to establish the defendant's eligibility for the imposition of a sentence of death for the first degree murder of Amanda Jean Snell:

A. The defendant, JORGE AVILA TORREZ, was 18 years of age or older at the time of the offense. 18 U.S.C. § 3591(a).

B. The defendant, JORGE AVILA TORREZ, intentionally killed the victim, Amanda Jean Snell. 18 U.S.C. § 3591(a)(2)(A).

C. The defendant, JORGE AVILA TORREZ, intentionally inflicted serious bodily injury that resulted in the death of the victim, Amanda Jean Snell. 18 U.S.C. § 3591(a)(2)(B).

D. The defendant, JORGE AVILA TORREZ, intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim, Amanda Jean Snell, died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(C).

E. The defendant, JORGE AVILA TORREZ, intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Amanda Jean Snell died as a direct result of the act. 18 U.S.C. § 3591(a)(2)(D).

II. STATUTORY AGGRAVATING FACTORS UNDER 18 U.S.C. § 3592(c)

The United States will seek to prove the existence of the following statutory aggravating factors to justify a sentence of death for the first degree murder of Amanda Jean Snell:

A. Previous Conviction of Violent Felony Involving Firearm (18 U.S.C. § 3592(c)(2)). The defendant, JORGE AVILA TORREZ, has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm (as defined in 18 U.S.C. § 921) against another person, namely:

1. Use of a Firearm in Felony, Case No. 10-505, in the Circuit Court of Arlington County, Virginia (the abduction and robbery of M.N. on February 10, 2010).

2. Use of a Firearm in Felony, Case No. 10-593, in the Circuit Court of Arlington County, Virginia (the robbery of K.M. on February 27, 2010).

3. Use of a Firearm in Felony, Case No. 10-595, in the Circuit Court of Arlington County, Virginia (the abduction of K.M. on February 27, 2010).

4. Breaking and Entering while Armed, Case No. 10-597, in the Circuit Court of Arlington County, Virginia (the abduction of K.M. and J.T. on February 27, 2010).

5. Use of a Firearm in Felony, Case No. 10-598, in the Circuit Court of Arlington County, Virginia (the abduction of J.T. on February 27, 2010).

B. Previous Conviction of Other Serious Offenses (18 U.S.C. § 3592(c)(4)). The defendant, JORGE AVILA TORREZ, has previously been convicted of 2 or more State offenses punishable by a term of imprisonment of more than 1 year committed on different occasions, involving the infliction of, or attempted infliction of serious bodily injury or death upon another person, namely:

1. Abduction with Intent to Defile, Case No. 10-503, in the Circuit Court of Arlington County, Virginia (the abduction of M.N. on February 10, 2010).

2. Robbery, Case No. 10-504, in the Circuit Court of Arlington County, Virginia (the robbery of M.N. on February 10, 2010).

3. Abduction, Case No. 10-591, in the Circuit Court of Arlington County, Virginia (the abduction of J.T. on February 27, 2010).

4. Rape, Case No. 10-592, in the Circuit Court of Arlington County, Virginia (the rape of J.T. on February 27, 2010).

5. Robbery, Case No. 10-594, in the Circuit Court of Arlington County, Virginia (the robbery of K.M. on February 27, 2010).

6. Abduction with Intent to Defile, Case No. 10-596, in the Circuit Court of Arlington County, Virginia (the abduction of K.M. on February 27, 2010).

7. Forcible Sodomy, Case No. 10-602, in the Circuit Court of Arlington County, Virginia (the sexual assault of J.T. on February 27, 2010).

8. Forcible Sodomy, Case No. 10-603, in the Circuit Court of Arlington County, Virginia (the sexual assault of J.T. on February 27, 2010).

9. Forcible Sodomy, Case No. 10-604, in the Circuit Court of Arlington County, Virginia (the sexual assault of J.T. on February 27, 2010).

III. OTHER AGGRAVATING FACTORS UNDER 18 U.S.C. § 3592(c)

The United States will seek to prove the existence of the following other aggravating factors to justify a sentence of death for the first degree murder of Amanda Jean Snell:

A. The defendant, JORGE AVILA TORREZ, engaged in a pattern of criminal activity, including a pattern of violence, threats of violence and related acts, dating from at least age sixteen, as demonstrated by the following aggravating factors:

1. On or about May 8, 2005, the defendant, JORGE AVILA TORREZ, killed Krystal Tobias, age nine, and Laura Hobbs, age eight, in a park near their homes in Zion, Illinois.

TORREZ stabbed Krystal Tobias eleven times. TORREZ stabbed Laura Hobbs approximately twenty times, including in both eyes.

2. On or about May 8, 2005, the defendant, JORGE AVILA TORREZ, sexually assaulted Laura Hobbs, age eight, in a park near her home in Zion, Illinois.

3. In or about the fall of 2005, the defendant, JORGE AVILA TORREZ, tied up a female friend. The female friend broke loose from TORREZ and fled.

4. In or about 2009, while home on leave from the United States Marine Corps, the defendant, JORGE AVILA TORREZ, tied up his female friend's dog. When she complained to TORREZ about this, TORREZ tied up the female friend with her dog leash.

5. In or about 2009 and early 2010, the defendant, JORGE AVILA TORREZ, used the internet to access websites depicting violent sexual activity, including, for example, images and videos entitled *ALL RAPE VIDEOS*, *BEST FORCED SEX*, *FORCED SEX SCENES*, *RAPE COLLECTION*, and *SLEEP ASSAULT MOVIES*. TORREZ also viewed websites providing directions for the making of chloroform, a chemical that can be used to incapacitate a female victim.

6. During the late night hours of February 4 and early morning hours of February 5, 2010, in Arlington County, Virginia, the defendant, JORGE AVILA TORREZ, driving his Dodge Durango, stalked females for sexual assault.

7. On or about February 5, 2010, the defendant, JORGE AVILA TORREZ, purchased a 10 mm Glock semiautomatic pistol to use in abducting, robbing and sexually assaulting female victims.

8. During the late night hours of February 5 and early morning hours of February 6, 2010, in Arlington County, Virginia, the defendant, JORGE AVILA TORREZ, driving his Dodge Durango, stalked females for sexual assault.

9. On or about February 10, 2010, the defendant, JORGE AVILA TORREZ, abducted M.N. at gunpoint as she walked along Quincy Street in Arlington County, Virginia. TORREZ then grabbed M.N. and, brandishing a knife, robbed her and tried to force her into his Dodge Durango. M.N. broke free of TORREZ and escaped.

10. On or about February 27, 2010, the defendant, JORGE AVILA TORREZ, abducted K.M. and J.T. at gunpoint as they approached K.M.'s house in Arlington County, Virginia. TORREZ demanded money from the two women. He then forced them inside of K.M.'s house, where he first tied them up together and then separately.

11. On or about February 27, 2010, the defendant, JORGE AVILA TORREZ, after abducting and restraining K.M. and J.T., grabbed J.T. and forced her at gunpoint out of the house and into his Dodge Durango. TORREZ drove away with J.T. bound in the back seat. After driving for a while, TORREZ stopped his vehicle and got into the back seat with J.T. TORREZ forced J.T. to perform oral sex on him, bound her hands with tape, raped her, and again forced her to perform oral sex. After these assaults, TORREZ bound J.T.'s mouth and head with tape and pushed her to the floor of the Durango.

12. On or about February 27, 2010, the defendant, JORGE AVILA TORREZ, after raping and sodomizing J.T. in Arlington County, drove to Prince William County, Virginia, with J.T. on the floor of his Durango, stopping in a wooded area near the highway. TORREZ got into the back seat with J.T. and forced her to perform oral sex on him.

13. On or about February 27, 2010, the defendant, JORGE AVILA TORREZ, in Prince William County, Virginia, attempted to kill J.T. by strangulation. After sodomizing J.T. in the back of his Durango, TORREZ wrapped a scarf around J.T.'s neck and tightened it. J.T. lost consciousness. Thinking that she was dead, TORREZ discarded her body in the woods. J.T., however, regained consciousness and crawled through the snow and out of the woods to a nearby road, where she was able to flag down a passing car. J.T. was seriously injured and bleeding from the attack and hospitalized because of her injuries.

14. On or about February 27, 2010, TORREZ was arrested. At the time of his arrest, TORREZ was found in possession of a 10 mm Glock semiautomatic pistol in his room at Keith Hall at Joint Base Meyer-Henderson Hall in Arlington County, Virginia, and a stun gun and tape in his Dodge Durango, along with personal property belonging to J.T.

15. While incarcerated at the Arlington County jail and awaiting trial for the offenses committed in Arlington County in February 2010, the defendant, JORGE AVILA TORREZ, plotted to have the victim witnesses against him killed. TORREZ drew a map to one of the victim's homes for the person who was to kill this witness against him.

16. On or about July 6, 2010, while incarcerated at the Arlington County jail and awaiting trial for the offenses committed in Arlington County in February 2010, the defendant, JORGE AVILA TORREZ, possessed a "shank," a homemade knife-like weapon used by prisoners to harm or kill others.

17. In or about the summer of 2010, while incarcerated at the Arlington County jail and awaiting trial for the offenses committed in February 2010 in Arlington County,

the defendant, JORGE AVILA TORREZ, fabricated a small tool, which he was able to use as a key to unlock his handcuffs.

18. In or about the summer of 2010, while incarcerated at the Arlington County jail and pending trial for the offenses committed in February 2010 in Arlington County, the defendant, JORGE AVILA TORREZ, told another prisoner that he would kill a guard if he were sentenced to life imprisonment so that he could get the death penalty.

19. On or about April 19, 2011, while incarcerated at Red Onion State Prison, the defendant, JORGE AVILA TORREZ, in a letter to his sister, threatened to kill a correctional officer's children if that officer continued to call him "names."

B. The defendant, JORGE AVILA TORREZ, has displayed no remorse for the murder of Amanda Jean Snell; rather, the defendant bragged about killing Snell and the thrill it provided.

C. The defendant, JORGE AVILA TORREZ, poses a future danger to others in that he is likely to commit, and direct others to commit, additional acts of violence in any setting, including acts of violence and threats of violence against witnesses who have testified against him and who may testify against him in the future and against prison guards and other officials at institutions where he is or will be incarcerated, as evidenced by his past acts of violence and pattern of violence, his specific threats of violence and his lack of remorse for his violent acts, including the murders of Krystal Tobias, Laura Hobbs and Amanda Jean Snell.

D. The defendant, JORGE AVILA TORREZ, caused injury, harm and loss to the victim and the victim's family and friends, as evidenced by the victim's personal characteristics and by the impact of her death upon the victim's family and friends.

The United States further gives notice that, in support of the imposition of a sentence of death, it intends to rely upon all the evidence admitted by the Court at the guilt phase of the trial and the offense of conviction as alleged in the Indictment as such evidence relates to the background and character of the defendant, JORGE AVILA TORREZ, his moral culpability, his future dangerousness, and the nature and circumstances of the offense charged in the Indictment.

Respectfully submitted,

Neil H. MacBride
United States Attorney

Michael E. Rich
James L. Trump
Jonathan L. Fahey
Assistant United States Attorneys
Attorneys for the United States

By: _____ /s/
Michael E. Rich
Assistant United States Attorney
VSB: 33808
Attorney for the United States
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, Virginia 22314
Tel: (703) 299-3758
Fax: (703) 299-3982
mike.rich@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of February 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Joseph J. McCarthy, Esq.
Delaney, McCarthy & Colton, P.C.
510 King Street, Suite 400
Alexandria, Virginia 22314

Michael S. Nachmanoff, Esq.
Geremy C. Kamens, Esq.
Brian Mizer, Esq.
Federal Public Defender
1650 King Street, Suite 500
Alexandria, Virginia 22314

By: _____ /s/
Michael E. Rich
Assistant United States Attorney
VSB: 33808
Attorney for the United States
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, Virginia 22314
Tel: (703) 299-3758
Fax: (703) 299-3982
mike.rich@usdoj.gov